

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adam J. Canni et al.

Serial No.: 10/758,563

Filed: January 15, 2004

For: OVERHEAD CONSOLE FOR A VEHICLE

Attorney Docket No.: LEAR 0660 R

Examiner: Gregory A. Blankenship

Art Unit: 3612

AFFIDAVIT AND STATEMENT OF FACTS

Mark E. Stuenkel, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. A final Office Action issued for the above-identified application on November 4, 2005. All pending claims except claim 69 were indicated as being allowable. That claim was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,176,536 ("the '536 patent").

2. On January 4, 2006, I contacted Examiner Blankenship to discuss proposed amendments to claim 69. The Examiner agreed that the proposed amendments would define over the '536 patent, and he also indicated that he would enter such amendments.

3. In response to the final Office Action, an Amendment was filed on January 4, 2006 including the proposed amendments to claim 69 that were discussed with Examiner Blankenship on that same date.

4. An Advisory Action issued on January 27, 2006, indicating that the proposed amendments to claim 69 would not be entered because the Examiner asserted that the claim would not be allowable over U.S. Patent No. 5,186,517 in view of the '536 patent.

5. In response to the final Office Action and Advisory Action, an Amendment was filed February 6, 2006 in order to cancel claim 69.

6. A second Advisory Action issued on March 6, 2006 indicating that the Amendment was not in compliance with 37 C.F.R. § 1.173(d), because the claims were not shown with amendments made relative to the patent being reissued.

7. In response, an Amendment was filed March 22, 2006 to address the issues raised in the second Advisory Action.

8. On May 1, 2006, I contacted Examiner Blankenship to check on the status of the application. Examiner Blankenship informed me that the application had been allowed and that a Notice of Allowance would be issued shortly. Furthermore, the Examiner indicated that no additional response to the final Office Action was required.

9. A Communication was filed on May 3, 2006 confirming the telephone discussion with Examiner Blankenship on May 1, 2006. A copy of that Communication is enclosed herewith as Exhibit A.

10. A Status Inquiry was filed on September 12, 2006 inquiring as to when a Notice of Allowance may be expected. A copy of the Status Inquiry is enclosed herewith as Exhibit B.

11. On October 16, 2006, I contacted the Examiner to check on the status of the application and was advised that a Supplemental Declaration was required, and that claim 1 should be shown in its issued form including corrections made by the Certificate of Correction dated October 7, 2003. Furthermore, the Examiner advised that a description of the basis in the Specification for all changes to the original patent claims and all new claims should be provided.

12. An Interview Summary issued on October 23, 2006. A copy of the Interview Summary is enclosed herewith as Exhibit C.

13. In response, a Supplemental Amendment was filed on November 21, 2006. That Amendment addressed the requests made by the Examiner during the Interview on October 16, 2006. Furthermore, Applicants indicated in the Amendment that a Supplemental Declaration was also being pursued. A copy of the Amendment is enclosed herewith as Exhibit D.

14. On February 9, 2007, Supplemental Declarations for inventors Adam Cani and Scott D. Shields were filed, along with a Petition requesting waiver of the signature requirement of non-signing inventor Clifford Krapfl. A copy of the Supplemental Declarations and Petition are enclosed herewith as Exhibit E.

15. On February 15, 2007, I contacted Examiner Blankenship and informed him that Supplemental Declarations had been filed for two of the inventors, and that a Petition regarding the third inventor had also been filed. The Examiner informed me that a Notice of Allowance would likely issue in approximately 2-3 weeks.

16. A Decision on Petition issued on March 12, 2007. As indicated in that Communication, Applicants petition requesting waiver of the signature requirement of non-signing inventor Clifford Krapfl had been granted. A copy of the Decision is enclosed herewith as Exhibit F.

17. On April 9, 2007, I contacted Examiner Blankenship and was informed that a Notice of Allowance was given to a Special Programs Examiner about three weeks prior to that date. The Examiner also informed me that he would follow with that Special Programs Examiner and provide me a status update.

18. On May 14, 2007, after receiving no update from Examiner Blankenship, I left a voice-mail message for the Examiner requesting a status update.

19. After receiving no response to the voice-mail message left May 14, 2007, a Status Inquiry was filed on May 18, 2007 requesting an indication as to when a Notice of Allowance may be expected. A copy of the Status Inquiry is enclosed herewith as Exhibit G.

20. On July 17, 2007, I left a voice-mail message for Examiner Blankenship requesting a return phone call and an update regarding the status of the application.

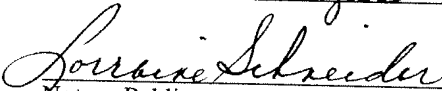
21. After receiving no response to the voice-mail message left on July 17, 2007, I again contacted Examiner Blankenship on July 20, 2007. The Examiner informed me that the application was currently being reviewed by a Special Programs Examiner. The Examiner also informed me that he would check on the name and telephone number of the Special Programs Examiner, and provide that information to me.

22. On August 1, 2007, after receiving no response, I again contacted Examiner Blankenship and was informed that Special Programs Examiner Ken Dorner had advised that the application went abandoned.

FURTHER AFFIANT SAYETH NAUGHT.


MARK E. STUENKEL
Registration No. 44,364

Subscribed and sworn to before me
this 6th day of August, 2007.


Notary Public
County of Macomb, State of Michigan
My Commission Expires: 2-19-2008
LORRAINE SCHNEIDER
Notary Public, Macomb County, MI
Acting in Oakland Co., MI
My Commission Expires 02/19/2008

Attachments